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Rights of indigenous peoples

Letter dated 10 September 2013 from the Permanent Representatives of the Plurinational State of Bolivia, Denmark, Finland, Guatemala, Mexico, New Zealand, Nicaragua, Norway and Peru to the United Nations addressed to the Secretary-General

The Permanent Missions to the United Nations of Bolivia, Denmark, Finland, Guatemala, Mexico, New Zealand, Nicaragua, Norway and Peru have the honour to write with regard to the Outcome Document of the Global Indigenous Preparatory Conference for the United Nations World Conference on Indigenous Peoples, which took place in Alta, Norway, from 8 to 13 June 2013 (see annex).

The Document is the end result of a global consultation process involving representatives of the indigenous peoples and nations of the seven global geopolitical regions as well as the women's caucus and the youth caucus. It sets forth their recommendations for the World Conference on Indigenous Peoples along with the historical and current context of indigenous peoples from around the world.

We should be grateful if you would have the present letter and its annex circulated as a document of the sixty-seventh session of the General Assembly, under agenda item 66, Rights of indigenous peoples, as we consider the perspectives of the Conference participants to be an important input to the ongoing preparatory process of the United Nations in the lead up to the World Conference on Indigenous Peoples in 2014.

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Ambassador
Permanent Representative of Nicaragua

(*Signed*) Geir O. **Pedersen**
Ambassador
Permanent Representative of Norway

(*Signed*) Enrique **Román-Morey**
Ambassador
Permanent Representative of Peru

Annex to the letter dated 10 September 2013 from the Permanent Representatives of the Plurinational State of Bolivia, Denmark, Finland, Guatemala, Mexico, New Zealand, Nicaragua, Norway and Peru to the United Nations addressed to the Secretary-General

Global Indigenous Preparatory Conference for the United Nations high-level plenary meeting of the General Assembly to be known as the World Conference on Indigenous Peoples

10-12 June 2013, Alta, Norway

Alta Outcome Document

Introduction

We, indigenous peoples and nations (hereinafter referred to as indigenous peoples) representing the seven global geopolitical regions, including representatives of the women's caucus and the youth caucus, have gathered in the traditional territories and lands of the Sami people in Alta, Norway. Our purpose was to exchange views and proposals and develop collective recommendations on the United Nations high-level plenary meeting of the General Assembly to be known as the World Conference on Indigenous Peoples (hereinafter referred to as HLPM/WCIP), which will convene in New York on 22 and 23 September 2014. This document sets forth our recommendations along with the historical and current context of indigenous peoples.

Preamble

As the original and distinct peoples and nations of our territories, we abide by natural laws and have our own laws, spirituality and world views. We have our own governance structures, knowledge systems, values and the love, respect and lifeways, which form the basis of our identity as indigenous peoples and our relationship with the natural world.

Indigenous peoples have been instrumental in the advocacy for and recognition of human rights, including the collective and individual human rights of indigenous peoples, and have participated in international forums and processes. This has, among other things, resulted in the adoption of Convention No. 169 of the International Labour Organization and the United Nations Declaration on the Rights of Indigenous Peoples (hereinafter referred to as the Declaration), the establishment of the United Nations Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples.

For centuries, we indigenous peoples have faced and continue to face colonization of our lands, territories, resources, air, ice, oceans and waters, and mountains and forests. This has resulted in patterns of domination, exploitation and subjugation of our peoples. Such patterns can be traced to claims of discovery and conquest, papal bulls, royal charters, "manifest destiny" and other erroneous and legally invalid doctrines.

These claims have been manifested in colonial strategies, policies and actions designed to destroy indigenous peoples, thereby resulting in the ongoing usurpation of indigenous peoples' lands, territories, resources, air, ice, oceans and waters, and mountains and forests; extensive destruction of indigenous peoples' political and legal institutions; discriminatory practices of colonizing forces aimed at destroying indigenous peoples' cultures; failure to honour treaties, agreements and other constructive arrangements with indigenous peoples and nations; genocide, ecocide, loss of food sovereignty, crimes against humanity, war crimes and the militarization of indigenous peoples and our lands; corporatization and commodification of indigenous peoples and our natural resources; and the imposition of "development" models that are destroying the life-giving capacities and integrity of Mother Earth and producing a range of detrimental impacts of which climate change could prove to be the most destructive.

The provisions of the Declaration that affirm the inherent rights of indigenous peoples to participate fully in decision-making that affects us will continue to guide and frame our work for HLPM/WCIP.

We further affirm that nothing in this process or its outcomes may be interpreted as diminishing or eliminating any of the rights of indigenous peoples contained in the Declaration or any of the other international standards which protect, defend and uphold the inherent economic, social, cultural, civil, political, educational and spiritual rights of indigenous peoples.

We reaffirm the peremptory norms of international law, including on equality and non-discrimination, and assert that the realization of the rights of indigenous peoples, including those affirmed in the Declaration, must be upheld by States, individually and collectively, free from all forms of discrimination, including discrimination based on race, ethnicity, religion, gender, sexual orientation, age and disability. We also reaffirm that the Declaration must be regarded as the normative framework and basis for the outcome document and its full realization.

We affirm that the inherent and inalienable right of self-determination is pre-eminent and is a prerequisite for the realization of all rights. We indigenous peop'es have the right of self-determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, and mountains and forests.

We condemn violence against indigenous women, youth and children as one of the worst human rights violations affecting indigenous peoples and families. Violence against indigenous women, youth and children is dehumanizing, affects their spiritual development and violates their fundamental rights.

We have identified four overarching themes that encapsulate those issues that are of greatest importance to us as indigenous peoples. We recommend that each overarching theme be the respective theme for each of the three round tables and the one interactive dialogue that make up HLPM/WCIP. Each of the four themes is accompanied by specific and concrete recommendations for inclusion in the final outcome document of HLPM/WCIP.

Theme 1: Indigenous peoples' lands, territories, resources, oceans and waters

1. In order to fulfil their obligations to guarantee indigenous peoples' right of self-determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, and mountains and forests, we recommend that States, as a matter of urgency, establish effective mechanisms through agreements reached with the indigenous peoples concerned to effectively implement the aforementioned rights consistent with States' obligations under international law, the Charter of the United Nations, the Declaration and treaties and agreements concluded with indigenous peoples and nations;

2. We recommend that States affirm and recognize the right to the protection, preservation and restitution of our sacred places, sites and cultural landscapes, and establish mechanisms that can effectively promote the implementation of these rights, including through the allocation of sufficient financial resources;

3. We recommend that States, in keeping with indigenous peoples' law, traditions, customs, and land tenure systems, and with the full, equal and effective participation of indigenous peoples, establish tribunals, commissions or other bodies with full judicial authority, to identify lands, territories and resources, including lands taken without the free, prior and informed consent to which indigenous peoples have inherent rights through traditional ownership and/or use, including through delineation and demarcation, and to resolve disputes, including through the recovery of such lands, territories and resources; in all of the aforesaid situations, the laws, customs and usages of indigenous peoples shall be recognized;

4. We recommend that States comply with judicial pronouncements, decisions of national and international courts and recommendations of treaty bodies, and establish and provide adequate resources for effective redress for historical injustices in relation to indigenous peoples' lands, territories and natural resources;

5. We recommend that States, with the full and effective participation of indigenous peoples, establish mechanisms to ensure the implementation of the right of free, prior and informed consent before entering the lands and territories of indigenous peoples, including in relation to extractive industries and other development activities; we further recommend that States cease the removal of indigenous peoples from their ancestral lands and territories; in cases where they are being or have been removed, displaced and/or dispossessed, States shall provide restitution or, when this is not possible, just, fair and equitable compensation, including the return of land and humanitarian assistance as required by the indigenous peoples affected;

6. We recommend that States uphold and respect the right of self-determination and the free, prior and informed consent of indigenous peoples who do not want mining and other forms of resource extraction, "development" and technologies deemed to be degrading to their human, cultural, reproductive and ecosystem health; where mining and other forms of resource extraction are already occurring, States shall develop mechanisms with the full and effective participation of indigenous peoples to develop a comprehensive strategy for ecologically sustainable and equitable development to end and prevent uncontrolled and unsustainable industrial contamination and degradation, with plans for clean-up, remediation and restoration; such a strategy shall incorporate strengthening the capacity of

indigenous youth in relation to sustainable development practices based on indigenous knowledge and the relationship with the land as well as the protection and promotion of the important role of traditional knowledge-holders, including indigenous elders and women;

7. We recommend that States implement a comprehensive human rights and ecosystem-based approach into all climate change measures and initiatives, recognizing and valuing indigenous world views, including knowledge systems, technologies, innovations and practices, customary institutions and indigenous governance, lands and resources, with enforceable safeguards in all climate agreements; we further recommend the urgent transition away from fossil fuel dependence towards decentralized, locally controlled, clean, renewable energy systems and infrastructure;

8. We recommend that States develop and enforce, in conjunction with indigenous peoples, legislation or policies to acknowledge and protect indigenous peoples' traditional and subsistence livelihoods and other customary or culturally based land and resource uses and indigenous economies, and that such legislation or policies be adopted with the free, prior and informed consent of indigenous peoples.

Theme 2: United Nations system action for the implementation of the rights of indigenous peoples

1. We recommend the creation of a new United Nations body with a mandate to promote, protect, monitor, review and report on the implementation of the rights of indigenous peoples, including but not limited to those affirmed in the Declaration, and that such a body be established with the full, equal and effective participation of indigenous peoples;

2. We recommend that the General Assembly call for the establishment of an international mechanism to provide oversight, redress, restitution and the implementation of treaties, agreements and other constructive arrangements between indigenous peoples or nations and States, predecessor and successor States;

3. We recommend that States provide legal recognition to indigenous peoples as indigenous peoples where so demanded by the peoples concerned, consistent with the provisions of the Declaration that affirm the inherent rights of indigenous peoples;

4. We recommend that the General Assembly appoint an Under-Secretary-General for Indigenous Peoples in order to strengthen the capacity and efforts of the United Nations towards ensuring the full realization of the rights of indigenous peoples as well as the inclusion and reflection of these rights, including the right to full and effective participation in decision-making, in all activities of the United Nations;

5. We recommend that all United Nations agencies, funds and programmes engaging in activities that impact indigenous peoples appoint an officer, or establish a team of officers on a permanent and full-time basis, with particular responsibility to ensure that all such activities are responsive to and adapted for the particular situation of indigenous peoples and to provide training and capacity-building for all new and existing United Nations staff regarding indigenous peoples' rights;

6. We recommend that all United Nations agencies, funds and programmes engaging in activities that impact indigenous peoples form advisory councils or forums composed of representatives of indigenous peoples, including women, youth and persons with disabilities, to engage in dialogue and provide advice on policymaking and country- and regional-level operations;

7. We recommend that a review be undertaken of the nomination processes for United Nations-mandated positions relating to indigenous peoples' rights to ensure that the processes are consistent with the Declaration; we further recommend that more indigenous candidates with expertise on indigenous peoples' rights be appointed to treaty monitoring bodies;

8. We recommend that, following HLPM/WCIP, work be undertaken to organize an official United Nations World Conference on Indigenous Peoples with the full, equal and effective participation of indigenous peoples at all stages;

9. We call on the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization and States to revise the World Heritage Convention's operational guidelines to ensure that the rights and territories of indigenous peoples are respected in the nomination, designation, management and monitoring of world heritage sites incorporating or affecting their lands, territories, resources, air, ice, oceans and waters, and mountains and forests, and to ensure that indigenous peoples' right to free, prior and informed consent is obtained in world heritage decision-making processes;

10. Pursuant to the universal application of the right of self-determination for all peoples, we recommend that the United Nations recognize indigenous peoples and nations based on our original free existence, inherent sovereignty and the right of self-determination in international law; we call for, at a minimum, permanent observer status within the United Nations system, enabling our direct participation through our own Governments and parliaments; our own Governments include our traditional councils and authorities;

11. We recommend that States, United Nations agencies and donor groups ensure that the rights of indigenous peoples are respected in development aid cooperation;

12. We recommend that the Declaration be a minimum human rights standard used in the Human Rights Council universal periodic review so that States are formally assessed in relation to their progress in implementing the rights of indigenous peoples.

Theme 3: Implementation of the rights of indigenous peoples

1. Based on the right of self-determination, indigenous peoples have the right and authority to develop and implement on an equal basis with States the standards and mechanisms that will govern relationships between them and, with the full, equal and effective participation of indigenous peoples, we recommend:

(a) That States develop processes to ensure that regional, constitutional, federal/national, provincial and local laws, policies and procedures comply with the Declaration and other international human rights standards that uphold the rights of indigenous peoples;

(b) That indigenous peoples' institutions, conflict resolution processes and juridical systems are respected and protected;

(c) That national human rights institutions develop specific programmes that focus on the implementation of the Declaration;

2. We recommend that States enter into new treaties, agreements and other constructive arrangements with indigenous peoples and nations as a way to effectively implement their rights and resolve violent conflicts and disputes, and that the implementation of all treaties, agreements and other constructive arrangements be ongoing and effective;

3. We recommend that States using the principles of indigenous consent, ownership, control and access, collect, analyse and disaggregate data on indigenous peoples, including elders, women, youth, children and persons with disabilities, to help draft and implement public policy and legislation that better addresses the situation of indigenous elders, women, youth, children and persons with disabilities;

4. We recommend that States recognize that the implementation of the rights of indigenous peoples includes the review, formulation, amendment and implementation of laws, policies and strategies, and that these processes must be undertaken with the free, prior and informed consent of indigenous peoples, and be informed by evidence based on the ethical collection, analysis and use of disaggregated data;

5. We recommend that States uphold and implement the rights of indigenous women as sacred life-givers and nurturers as well as strengthen, with the full and effective participation of indigenous women, the protection of indigenous women and girls through the formulation and implementation of national, regional and international plans of action developed in conjunction with indigenous peoples' effective laws, policies and strategies;

6. We recommend that States, with the full, equal and effective participation of indigenous women, youth and girls, take immediate action to review, monitor and provide comprehensive reports on violence against indigenous women, youth and girls, in particular sexual and domestic violence, trafficking and violence related to extractive industries, as well as provide redress for victims;

7. We recommend that States cease current, and refrain from any further, militarization and initiate processes to demilitarize the lands, territories, waters and oceans of indigenous peoples; this can be achieved, inter alia, through the repeal and/or discontinuance of "anti-terrorist", national security, immigration, border control and other special laws, regulations, operations and executive orders that violate the rights of indigenous peoples; special measures should be taken to ensure the protection of indigenous elders, women, youth, children and persons with disabilities, particularly in the context of armed conflicts;

8. We recommend that States, in conjunction with indigenous peoples, establish and develop commissions of inquiry or other independent, impartial and investigative mechanisms to document matters of impunity and other human rights concerns of indigenous peoples and to ensure that recommendations to Governments to end impunity for violations of indigenous peoples' rights are effectively implemented; we further recommend that perpetrators be brought to justice and the victims compensated and rehabilitated;

9. We recommend that States work proactively, nationally and internationally, with the full, equal and effective participation of indigenous peoples to develop effective mechanisms to identify and repatriate sacred and culturally significant items and ancestral remains, in accordance with indigenous peoples' customs, traditions and beliefs;

10. We recommend that States fully honour and, in conjunction with indigenous peoples, create conditions for the right of self-determination of indigenous peoples, including through formal decolonization processes, for those indigenous peoples who seek it, and that all administering Powers of Non-Self-Governing Territories take all steps necessary to eradicate colonialism in all its forms and manifestations;

11. We recommend that States, in conjunction with indigenous peoples, support the effective implementation of indigenous peoples' right of self-determination by providing financial support and revenue-sharing to indigenous peoples;

12. We also recommend that States, relevant United Nations system organizations and international financial institutions and donor organizations support the implementation of indigenous peoples' right of self-determination, including through capacity-building, to achieve this end in all regions;

13. We further recommend that, in keeping with our right of self-determination and free prior and informed consent, indigenous peoples participate fully and effectively in the negotiations of all relevant international agreements that may affect them, including multilateral and bilateral trade and investment agreements and organizations, including in the review of existing agreements;

14. We recommend that States establish regional mechanisms to monitor the implementation of the Declaration.

Theme 4: Indigenous peoples' priorities for development with free, prior and informed consent

1. Indigenous peoples' priorities for development are predicated on the full, equal and effective recognition of our rights to lands, territories, resources, air, ice, oceans and waters, and mountains and forests, and the connection between customs, belief systems, values, languages, cultures and traditional knowledge; we therefore recommend that rights, culture and spiritual values be integrated into strategies that relate to development, including sustainable development goals and the post-2015 United Nations development agenda;

2. We recommend that States adopt public policies which guarantee the right to food, food sovereignty and food security and safety, and the right to water and clean air for indigenous peoples; we further recommend that States cease subsidizing the expansion of industrial, commercial agriculture plantations which promote toxic chemical fertilizers and pesticides as well as genetically modified organisms in indigenous lands and territories;

3. We recommend that States support programmes of indigenous peoples to strengthen the capacity of indigenous youth, including on the transmission of traditional knowledge, innovations and practices as well as languages, and on the important role of indigenous peoples, including elders and women as traditional knowledge holders; we further recommend that States and United Nations agencies,

programmes and funds respect and promote indigenous peoples' right to free, prior and informed consent in relation to their traditional knowledge and traditional cultural expressions;

4. We recommend that States take a rights-based and culturally appropriate approach to public safety and access to justice guided by indigenous peoples' legal orders and traditional justice systems and by standardized and disaggregated data collection focused on prevention and restorative justice as well as protection and rehabilitation;

5. We recommend that States cease State-sponsored population transfers and demographic engineering of indigenous peoples that, inter alia, result in the minoritization of indigenous peoples;

6. We recommend that States, with the full, equal and effective participation of indigenous peoples, provide adequate resources that enable the empowerment of indigenous peoples to deliver and have access to high-quality and culturally based education, health, including mental health, and housing to improve the well-being of indigenous peoples; and that indigenous individuals are provided with appropriate health care on an equal basis;

7. We recommend that States take urgent action to adopt strategies that enable indigenous peoples to exercise their right to education, particularly youth and children, and their sovereign rights to establish their own educational system affirming the scholarship of their knowledge systems, sciences, technologies, intellectual property and cultural manifestations;

8. We recommend that States ensure meaningful and effective participation and the free, prior and informed consent of indigenous peoples in accordance with their protocols in order to reform the dominant educational system to reflect the histories, identities, values, beliefs, cultures, languages and knowledge of the indigenous peoples to whom it is being delivered;

9. We call upon States to reaffirm the rights of indigenous peoples to their economic, social and cultural development with due regard to their freedom and identity, and the recognition that the right to sustainable development is both procedural and substantive; we further call upon States to ensure the full, equal and effective participation of indigenous peoples in the development of mechanisms to ensure that ecosystem-based sustainable development is equitable, non-discriminatory, participatory, accountable and transparent, with equality, consent and decolonization as important overarching themes that protect, recognize and respect the rights of indigenous peoples and that are in harmony with the sacredness of Mother Earth.